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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Iraq

Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the members of the General Assembly an addendum to the interim report on the situation of human rights in Iraq prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights, in accordance with Economic and Social Council decision 1996/277 of 23 July 1996.

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ANNEX

Report on the field mission to the Islamic Republic of Iran in the framework of the Iraq mandate, 14 to 24 October 1996: interviews with refugees from northern Iraq

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I. INTRODUCTION

1. In implementation of paragraph 8 of Commission on Human Rights resolution 1996/72 of 23 April 1996 regarding the sending of human rights monitors "to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq", and taking into account the refusal of the Government of Iraq to cooperate with the placement of human rights monitors inside Iraq, the Special Rapporteur requested the sending of staff members of the Centre for Human Rights of the Secretariat to the Islamic Republic of Iran. This location was chosen in order to receive testimonies and reports from Iraqi citizens who had recently crossed the border into the Islamic Republic of Iran as a result of the fighting that took place in northern Iraq in early September 1996 and who claimed to be victims of, or eye-witnesses to, human rights violations committed by the Iraqi Army and Iraqi Security, particularly in the city of Arbil and its surrounding areas.

2. The present section describes the results of the mission based upon information received during the visit to the Islamic Republic of Iran by two staff members from the Centre for Human Rights from 14 to 24 October 1996, taken into consideration documentation subsequently received in Geneva. During the mission, the staff members visited five refugee camps and received detailed testimony from a total of 50 refugees from northern Iraq. They also met with other persons of interest from intergovernmental and non-governmental humanitarian organizations. The interviewed refugees may be divided into three groups: (a) Kurds who had lived their whole life in northern Iraq; (b) Arabs who had lived only for a certain period in northern Iraq (which many had used as a refuge in order to escape the Iraqi authorities), including army deserters and persons who participated in some Iraqi oppositional groups; and (c) Turkomen who had recently arrived in northern Iraq after having been forced to move from their homes in Kirkuk as a result of the alleged policy of Arabization. The population living in the camps that were visited had arrived in the Islamic Republic of Iran following the events that took place in early September 1996. Therefore, the events mentioned below do not refer to the outbreak of the fighting that took place in October and has resulted in another flow of persons crossing the border into the Islamic Republic of Iran; the mission was simply unable to meet with the new arrivals. The Special Rapporteur acknowledges the cooperation of the Government of the Islamic Republic of Iran in responding promptly to his request for the mission and in facilitating unobstructed access to the region and camps identified by the United Nations staff members, who were able to speak in freedom and confidence with the persons of their choosing. The Special Rapporteur also notes the efforts made by the Government of the Islamic Republic of Iran to provide humanitarian assistance to the thousands of persons in need.

3. All interviewees provided recent information on the situation in northern Iraq. The interviewees came from different regions in northern Iraq, including the urban centres of Arbil, Suleimaniyah and Kirkuk and the rural communities of Chooman, Kesri, Rowandiz, Koysanjak, Raniah and Qalidizah. Army deserters and those involved in the opposition often had a story of personal persecution in the past. However, the interviews concentrated on information pertaining to the

current situation in northern Iraq following the recent fighting between the two main factions, i.e., the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK).

4. Most of the interviewees stated that the Iraqi Army and government security services had moved into the northern territory to engage in a campaign clearly aimed at eliminating remnants of the opposition. Most, if not all, of the refugees stated that Iraqi security services (units of Al Amn-al Khas, al Amn Al-Amma, Military Intelligence and Mukhabarat), had employed a variety of means to terrorize and remove from influence or activity persons living in the area who were considered to be hostile to the Government of Iraq and to destroy all the offices and logistics used by these groups during the past five years when the northern territory was not under the authority of the Government in Baghdad. All non-Kurds living in the region were said to be presumed to be members of the opposition, with several having been arrested and taken to Mossul, Kirkuk or Baghdad if not subjected to immediate extrajudicial sanctions, including execution.

II. EXTRAJUDICIAL EXECUTIONS

5. Several persons who escaped from Arbil in the week following the events estimated the number of dead in Arbil to be in the hundreds. Most, if not all, of the people interviewed explained that Iraqi security forces, helped by members of KDP, conducted on the very first day of their intervention in Arbil operations against all the offices which belonged to the oppositional groups. These operations resulted in the destruction of several offices of the Iraqi National Congress (INC), the Iraqi National Turkoman Party (INTP), the Iraqi National Party, the Supreme Council of the Islamic Revolution in Iraq (SCIRI) and PUK. Members of these political parties who were found in their offices at that time were reportedly subject to summary executions. Many interviewees stated that because all of these operations were conducted the first day of the intervention, such actions were evidently prepared well in advance and were aimed at destroying and silencing all opposition groups active in the area.

6. Most of the interviewees reported that the Iraqi security forces, helped by KDP members, had executed members of INC, INTP and PUK. The following specific evidence was received through testimony.

(a) On 31 August 19969, 96 military members who belonged to Brigade No. 3 of the forces of INC were executed on the spot in the area of Qushtapa, near their military camp. The mother of one of the victims who was looking for her son described the scene, stating that more than 70 dead bodies were found laying on the ground. They were divided into two groups. The first one was composed of 50 dead bodies who were grouped as if their executions had taken place at the same time. Another 20 bodies lay about the yard as if they had been shot one by one;

(b) On the same day, it is alleged that a joint operation conducted by members of the Iraqi Army and KDP had resulted in an attack on one of the offices of INTP located in western Arbil. The fighting between the members of

INTP and the Iraqi forces was said to have resulted in the death of more than 11 Turkomen;

(c) In a third case, a group of Iraqi Arab students who were studying at Sallahudin University in Arbil, was also said to have been specially targeted by the Iraqi security forces. Of a total of 70 Arab students, one third were allegedly captured and executed, one third fled to the Syrian Arab Republic and the remaining one third are now in the Islamic Republic of Iran;

(d) Four Arab medical doctors are also said to have been executed during the events.

III. USE OF EXCESSIVE FORCE AND CONFISCATION AND DESTRUCTION OF PRIVATE PROPERTY

7. According to testimony received during the mission, Arbil and several other locations in northern Iraq (such as Inqawa, Killek, Peer Dawud and Qushtapa) were indiscriminately shelled by fixed artillery and tanks before government troops and KDP forces entered. The indiscriminate use of heavy artillery caused injury and death to numerous innocent civilians and destroyed a lot of private property. Following these attacks, Iraqi Security entered the locations with civilian and military vehicles and proceeded to conduct searches through the houses belonging to the members of oppositional groups. The troops who entered Arbil and the villages surrounding the city after the attacks allegedly burned and destroyed some of the houses and regional administrative premises, as well as University buildings and facilities. It was also reported that the main factories in Arbil were dismantled with valuable machinery taken to the territory under the control of the Government of Iraq.

8. Many refugees stated that scores of houses belonging to Arabs, Turkomen and Kurds (especially those presumed to be sympathizers of PUK) were looted and taken over by KDP members and Iraqi security agents. Many other houses that were unoccupied by their owners during the intervention were also looted because those who were not at their homes were considered to be PUK supporters or members of the opposition. A large number of private cars (most of which belonged to Arabs, Turkomen and presumed sympathizers of PUK) were also stolen by members of the Iraqi Army and KDP forces.

IV. ARBITRARY ARREST AND DETENTION

9. Some of the interviewees reported that the Iraqi forces (Mukhabarat and Istikhbarat) conducted house-to-house searches with lists bearing specific names of Arabs, Turkomen and Kurds who were supposedly members of the opposition. They were assisted in their searches by members of KDP, who were well-informed about locations and personalities of interest to the government agents. All persons found were reportedly taken for initial questioning in temporary places of detention in Arbil, such as the building of the Kurdish Parliament. If the persons were believed to be members of oppositional groups with clear responsibilities, they were immediately transferred to Mossul, Kirkuk or Baghdad for further questioning. According to reports received, the Iraqi Army attacked

several houses looking for Arabs in the city of Inqawa. When the persons were not found, their relatives were taken instead as "hostages". About 20 families were said to have been subjected to such a practice in this locality. In the city of Salahuddin, in which the headquarters of INC was located, members of about 150 families were allegedly arrested and taken to unknown destinations. The same practice is said to have occurred in the city of Arbil, from where dozens of families were also abducted. Most of the interviewees witnessed the transfer of all these persons and a number of buses involved for their transportation.

10. According to testimony received, several members of oppositional groups were taken from their respective offices. Examples given are as follows.

(a) Three members of SCIRI were arrested in their offices in Arbil by a joint operation conducted by the Iraqi Mukhabarat and KDP forces;

(b) Nineteen members of the Islamic Labour Organization, along with five visitors to the office, were taken away by Iraqi forces. It is reported by several sources that all of these men were taken to Mosul and severely tortured by government agents before being taken to Baghdad. Among the five visitors was Dr. Hasan al-Tamimi (an Arab from the city of Bassra), who was not involved in any oppositional activity but was working for a humanitarian organization in Arbil hospital treating victims of thallium poisoning. Although Dr. Hassan al-Tamimi has a long history of human rights violations against his person, it is said that he was not involved in any political activities and was just visiting a friend when he was arrested;

(c) On 1 September 1996, eight people working at the INTP radio, television and newspaper building in Arbil were abducted by a joint group of KDP and Iraqi Mukhabarat and Istikhbarat when they attacked these locations. Interviewees also stated that, on 2 September 1996, the headquarters of INTP located in Arbil was attacked by a joint group of KDP and Iraqi agents. Four INTP members were reportedly killed during the attack and over 11 persons were taken away. Other members of Turkomen organizations, such as student and women's organizations, were also allegedly taken away, bringing the total number of Turkomen taken away to over 250.

V. FORCED RELOCATION

11. All of the Turkomen encountered in the refugee camps alleged constant oppression and persecution, which they claimed to have been subjected to while living in Kirkuk. These acts included arrest without charge, internal deportation or exile, and confiscation of personal property and real estate. Such oppression and persecution is said to have originated in a government policy to replace the Turkomen with Arabs in Kirkuk, where the Turkomen constitute a significant part of the population and have lived for a long time. In addition, Turkoman citizens of Kirkuk Governorate who were interviewed testified that they had been subjected to restrictions on the purchase and sale of real estate: they claim only to have been allowed to sell to Arabs. For example, one Turkoman woman (a graduate from Baghdad University who was most recently residing in Arbil) testified that she was living with her family in

Kirkuk when, in 1994, they were ordered to move either to southern Iraq or to the northern region. In order to force compliance with this instruction, they arrested her brother who was to be released as soon as her family moved away. When her family agreed to move, it was given an administrative paper from the police office authorizing them to sell their belongings and house, but only to Arabs. Another Turkoman from Kirkuk recounted the same story stating that, on 23 November 1995, the Iraqi authorities had arrested his father in order to oblige them to leave the city either for Arbil or Suleimaniyah in the north or to somewhere in the south. His family was given 10 days notice, which was not sufficient to sell their belongings in an appropriate manner or to sell the house. On 3 December 1995, his father was released from detention and they left Kirkuk for Suleimaniyah. This practice is consistent with that previously reported upon by the Special Rapporteur (see, e.g., E/CN.4/1994/58, paras. 59 and 140).

VI. IMPACT OF THE AMNESTY DECREE

12. On 11 September 1996, the Revolution Command Council issued Decree No. 97 which grants "a full and comprehensive amnesty" to all Iraqi citizens in the Kurdish Autonomous Region. However, that decree includes exclusions that are cause for concern among the intended beneficiaries. Specifically, persons accused of having "looted State property" or "spied for the benefit of foreigners" are expressly exempted from amnesty. Since these exemptions lack detail any may be subject to arbitrary application, they do not inspire confidence among the population. Indeed, none of the refugees interviewed expressed confidence in the decree. Some compared the decree to the one granting amnesty to Saddam Hussein's sons-in-law, who were subsequently killed upon their return to Iraq. Others said the decree was merely "ink on paper" or even "a cartoon".

VII. CONCLUSIONS

13. The testimonies received during the mission to the Islamic Republic of Iran confirm reports previously received by the Special Rapporteur. They detail typical and well-documented practices of the Government of Iraq. The undeniable effect of these practices is to instil terror into the population, to eradicate opposition and to force the population into submission. In the face of such terror, large numbers of persons have again chosen to flee across international frontiers through difficult terrain and to unknown circumstances in search of refuge. Overall, the testimonies received confirm that the nature and conduct of the Government of Iraq has in no way changed from that reported upon by the Special Rapporteur through the course of his appointment.